

COMP
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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

EMELY JOHANA PORTILLO, an individual,
and EVA LILIAN LEONZO DE PORTILLO an
individual

CASE NO.:

Plaintiffs,

Vs.

UNITED STATES,

Defendant.

COMPLAINT

COMES NOW, plaintiff EMELY JOHANA PORTILLO, and EVA LILIAN LEONZO
DE PORTILLO by and through their attorneys, STOVALL & ASSOCIATES, and for their
complaint against the Defendant, and each of them, allege and state as follows:

I.

That plaintiff EMELY JOHANA PORTILLO and EVA LILIAN LEONZO DE
PORTILLO are, and at all times mentioned herein are residents of Clark County, Nevada.

II.

That KYLE WESLEY LOSEE is, and at all times mentioned herein was, a resident of Clark County, Nevada and an employee of the United States Marines Corp. an agency of the United States government.

III.

The court has subject jurisdiction pursuant to 28 USC 1442 (a) (1) in that a civil action is against or directed to an officer of the United States, in an official or individual capacity, for or relating to any act under color of such office or on an account of any right, title or authority claimed under any Act of Congress for the apprehension or punishment of criminals or the collection of revenue.

IV.

Venue is proper in this district pursuant to 28 USC 1391 (b) (2) in that the alleged acts of the defendant as alleged in the complaint occurred in Clark County, Nevada on May 7, 2019.

V.

That the plaintiff filed their Federal Torts Claim Act pursuant to 28 USC 144, and more the 180 days have passed without resolution of the claim by defendant.

VI.

That KYLE WESLEY LOSEE was, and at all times mentioned herein, the operator of a 2017 Black Ford Fusion while acting within the scope of his employment with the United States Marines Corp an agency of the United States government.

VII.

That plaintiff EVA LILIAN LEONZO DE PORTILLO was, and at all times mentioned herein, the operator of a 2015 white Toyota Sienna.

VIII.

That EMELY JOHANA PORTILLO was a passenger of the 2015 White Toyota Sienna owned and operated by EVA LILIAN LEONZO DE PORTILLO.

IX.

That on May 7, 2019 KYLE WESLEY LOSEE negligently operated a 2017 Black Ford Fusion, Nevada tag G104126S, while driving southbound on North Tenaya Way, entering the intersection Vegas Drive against a red traffic signal light and hitting the 2015 Toyota Sienna having the right of way and occupied by the plaintiffs who suffered severe bodily injuries.

X.

That as a direct and proximate result of the aforementioned negligence of the defendant, plaintiffs sustained injuries to their neck, head, back and bodily limbs, organs and systems, all or some of which conditions may be permanent and disabling and all to Plaintiffs damage in a sum in excess of \$15,000.00.

XI.

That as a direct and proximate result of the aforementioned negligence of the defendant, plaintiffs did receive medical and other treatment for their injuries and that said services, care and treatment are continuing and shall continue in the future, all to the plaintiffs' damage in a sum in excess of \$15,000.00.

XII.

1 That the injuries complained of herein, diminished the plaintiffs ability and capacity to
2 engage in activities to the same extent as prior to the accident which is the subject of this
3 complaint.

4 **XIII.**

5 That the aforementioned negligence of the defendant has caused plaintiffs to engage the
6 services of an attorney, incurring attorney's fees and costs to bring this action.

7
8 **PRAYER FOR RELIEF**

9 WHEREFORE, plaintiffs expressly reserving their right to amend this complaint at the
10 time of, or prior to trial, prays for judgement against the defendants, as follows:

- 11 1. For general damages in a sum in excess of \$15,000.00;
12 2. For special damages in a sum in excess of \$15,000.00;
13 3. For attorney's fees and costs of suit incurred herein;
14 4. For interest at the statutory rate.
15 5. For such other and further relief as the Court deems just ad proper in the premises.

16
17 DATED this 4 day of January, 2021.

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19 STOVALL & ASSOCIATES

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